

BINGHAM McCUTCHEN

## Facsimile

DATE: April 1, 2005

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NAME	FAX	PHONE
TO: M/S: Amendment Commissioner for Patents	703-872-9306	

FROM: Maritza D. Kidd (650) 849-4800 (650) 849-4481  
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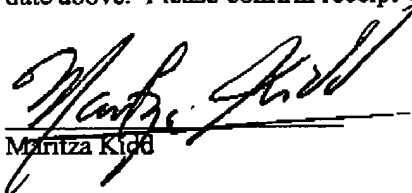
PAGES: (INCLUDING THIS COVER PAGE): 12

RE: Amendment and Response Appl S/N: 10/726,336

## MESSAGE:

PLEASE DELIVER TO EXAMINER **Zandra Smith**  
Re: US Application Serial No. 10/726,336

I hereby certify that an Amendment and Response (9 pages); and transmittal with extension of time (2 pages) is being submitted to the United States Patent and Trademark Office on the date above. Please confirm receipt via facsimile. Thank you.



Maritza Kidd

For transmission problems, please call (650) 849-4825

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Timekeeper No:	23258	Client/Matter No:		DATE/TIME STAMP
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PA/52155351.1

Docket 2024738-7030163001  
CYM-032CON (11.015012)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	)	Group Art Unit: 2877
David J. Zahuiser, et al	)	Confirmation No.: 5486
Serial No.: 10/726,336	)	Examiner: Zandra Smith
Filed: December 1, 2003	)	
For: CYTOLOGICAL IMAGING SYSTEM AND METHOD	)	

## AMENDMENT AND RESPONSE TRANSMITTAL

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## 1. Documents enclosed:

Transmitted herewith in response to the Office Action mailed December 1, 2004, for the above-identified application, are the following:

- ☒ Amendment and Response to Office Action (9 pages);
- ☒ Transmittal with certificate of facsimile transmission and extension of time (2 pages);
- ☒ Return Postcard.

CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. §1.6 (d))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via fax on the date shown below to U.S. Patent and Trademark's fax number at: (703) 872-9306 addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 1, 2005

Date of facsimile transmission

Maritza Kidd

Name of Person transmitting Paper

  
Signature of Person transmitting Paper

**2. Request for EXTENSION of Time:**

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

- ☒ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input checked="" type="checkbox"/> one month	\$60.00	\$120.00
<input type="checkbox"/> two months	\$225.00	\$450.00
<input type="checkbox"/> three months	\$510.00	\$1,020.00
<input type="checkbox"/> four months	\$795.00	\$1,590.00
<input type="checkbox"/> five months	\$1,080.00	\$2,160.00
Fee		\$120.00

- ☒ If any extension fee is required, please consider this a petition therefore.

**3. Method of Payment of fee:**

- ☐ Check in the amount of \$\_\_\_\_\_ is enclosed to cover the above fee(s).
- ☒ Charge Bingham McCutchen's Deposit Account No. 50-2518 in the amount of **\$120.00**.
- ☒ The Commissioner is authorized to charge Bingham McCutchen's Deposit Account No. 50-2518 for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. 50-2518.

Respectfully submitted,  
BINGHAM McCUTCHEN LLP

Dated: April 1, 2005

By: 

David T. Burse  
Reg. No. 37,104

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Docket 2024738-7030163001  
CYM-032CON (11.015012)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**David J. Zahniser, et al****Serial No.: 10/726,336****Filed: December 1, 2003****For: CYTOLOGICAL IMAGING SYSTEM  
AND METHOD****Group Art Unit: 2877****Confirmation No.: 5486****Examiner: Zandra Smith****AMENDMENT AND RESPONSE TO OFFICE ACTION**

M/S: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed December 1, 2004. A complete listing of the claims, including current amendments, begins at page 2. Remarks begin at page 7.